# County of Fairfax, Virginia

November 3, 2014

**2014 Planning Commission**

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**Frank de la Fe**
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**Jill G. Cooper**
*Executive Director*

**Kimberly A. Bassarab**
*Assistant Director*

**John W. Cooper**
*Clerk to the Commission*

Edward Donohue, Esquire
Donohue & Stearns, PLC
117 Oronoco Street
Alexandria, Virginia 22314

Re: **SE 2013-DR-019/2232-D13-9 – CWS VII, LLC & THE TRUSTEES OF ANDREW UNITED METHODIST CHURCH**
**Dranesville District**

Dear Mr. Donohue:

At its November 12, 2014 meeting, the Planning Commission voted 12-0 to **RECOMMEND APPROVAL** on the above-referenced applications.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to final decision by the Board of Supervisors.

This action does not constitute exemption from the various requirements of this county and state. The applicant is responsible for ascertaining if permits are required and obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,

Jill G. Cooper, AICP
Executive Director

Attachments (a/s)

cc: John Foust, Supervisor, Dranesville District
John Ulfelder, Planning Commissioner, Dranesville District
Catherine A. Chianese, Assistant County Executive, County Executive Office
Carmen Bishop, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
Chris Caperton, ZED, DPZ
November 12, 2014 date file

To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.

**Fairfax County Planning Commission**
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www.fairfaxcounty.gov/planning

Planning Commission Meeting
November 12, 2014
Verbatim Excerpt

SE 2013-DR-019/2232-D-13-9 – CWS VII, LLC & THE TRUSTEES OF ANDREW UNITED METHODIST CHURCH

Decision Only During Commission Matters
(Public Hearing held on October 30, 2014)

Commissioner Ulfelder: Thank you, Mr. Chairman. This evening we have a decision only for a concurrent 2232 and Special Exception application for a telecommunications tower disguised as a 120-foot tall bell tower and approval to permit an existing church with a nursery school as a Special Exception use, whereas it is now approved as a Special Permit use. The telecommunications facility is on property owned by the Andrew Chapel United Methodist Church on Route 7 at the intersection with Trap Road. This application has been in the works since mid-2013 before I joined the Commission and has gone through a number of changes and revisions on route to the Planning Commission and to the Board of Supervisors. During this time, it also has been the focus of various open meetings with members of the church and residents of the surrounding neighborhoods, as well as several balloon flies to demonstrate the proposed height of the telecommunication facility. Many questions were asked and various concerns were voiced. As the application moved through the County review process with a few fits and starts, some members of the adjacent Shouse Village Neighborhood formed a group, Stop Andrew Chapel Cell Tower (SACCT), to express their opposition to the proposed tower. I have attended meetings to understand the support and opposition to this application. We have also received voluminous amounts of correspondence and other material in connection with this application. The SACCT group in particular has raised a wide range of issues and arguments – and has submitted detailed materials in support of their position. They have argued strenuously that as proposed – as proposed, the bell tower telecommunications facility is massive, ugly, offensive, and would be a visual blight on their community and the surrounding area that will lower their property values. For the reasons that follow, I am not persuaded by these arguments. Our decision on the 2232 application is guided by the Comprehensive Plan and, in particular, Objectives 42 and 43 of the Policy Plan Element of the Comprehensive Plan under Mobile and Land-Based Telecommunications Services. Under *Virginia Code* 15.2232, we must determine whether the location, character, and extent of the proposed bell tower at its proposed location is substantially in accordance with the Plan. After carefully reviewing the application, staff report, and the other materials and arguments submitted for the record, I have concluded that this application substantially conforms to the Comprehensive Plan. Staff has thoroughly articulated the grounds for approval thoroughly in the staff report so I will refrain from reiterating all of those points here. I will, however, briefly highlight some of the factors leading to this decision. First, the application does propose construction of a new tower while Objective 42, Policy A, encourages avoiding construction of new structures. I am familiar with this area and am satisfied with the applicant's conclusion that there are no existing tall structures available to address coverage and capacity needs in the target area. There is one existing facility at the Providence Baptist Church, which is approximately a half mile to the east of the proposed bell tower. Verizon Wireless' engineer makes it clear that the steeple facility, with antenna space at approximately 55 feet, is too low to provide the same coverage to the target area. I think it is

important to note that, in any event, there is only one slot available at the Providence Baptist Church and no room to co-locate as many as three additional carriers, which could be accommodated at the proposed Andrew Chapel bell tower. When existing structures are not available or co-location is not appropriate because of service needs, Objective 42, Policy B, recommends locating new structures on properties that provide the greatest opportunity to conceal the facilities and minimize visual impact. The applicants have proposed to locate the bell tower on a 7-acre parcel of property in a location that maximizes the distance between the facility and residential properties. Other than the Covance property across the street that was not interested in hosting a telecommunications facility, the subject property is one of the larger parcels of property in this vicinity. The size of the parcel allows for substantial setbacks of the tower that would be impossible on a smaller lot. Further, the proposed tower and supporting equipment structures have been relocated on the property, relative to prior applications, in order to reduce visibility from certain locations. The facility's proposed siting near Leesburg Pike also allows this major arterial to provide additional buffering to properties across and in the vicinity of Leesburg Pike. In fact, disguised as a bell tower, it will not be readily apparent to anyone driving past on Route 7 or in the area that it is, in fact, a telecommunications facility bristling with antennas. Thus, in many respects, it is visually similar to the bell tower telecommunications facility located at the Dranesville United Methodist Church approximately three miles to the west of this proposed site and also visible from Route 7. Objective 42, Policy D, provides that when multiple sites provide similar or equal opportunity to minimize impacts, public lands should be the preferred location. This policy recommendation has touched off a controversy over whether the Fairfax County Fire and Rescue Station – Station 42 – located at the corner of Beulah Road and Route 7 approximately one mile west of the Andrew Chapel site should be the preferred location. Originally, it was thought that Station 42 could not be considered as a possible location for a telecommunications facility based on communication with the Facilities Management Division and the applicant. During the review of this application, it became apparent that it could possibly be considered for a telecommunications facility, but that it would need the approval of a concurrent 2232, Special Exception, and a Proffer Condition Amendment to site such a facility on the Station 42 property. The application does not propose a location for its facility on the Fire Station property that would allow for a comparison of impacts because the Fire Station is outside of the coverage area it is targeting with this application. While the propagation maps indicate that a similar telecommunications facility at the Station 42 site could cover a portion of the target area, it is still only 50 to 60 percent overlap, which still leaves a coverage need for the area west of Tysons and east of Station 42. The applicant in this case has indicated a possible future interest in the Station 42 site in order to continue to fill the carriers' coverage and capacity gap between Tysons and the Difficult Run Stream Valley to the west. The record indicates that there are no other viable sites between the church site and the Station 42 site that can meet the carriers' needs. Thus, I believe it is clear that the proposed Andrew Chapel bell tower facility is the site that can best meet the needs of the carriers' target area. I also find that the application substantially conforms to the Comprehensive Plan in terms of the character and extent of the proposed facility. The applicants have minimized visual impacts on the surrounding area, in accordance with Objective 42, Policy C, by camouflaging the facility as a bell tower, lowering the height of the tower from 140 to 120 feet, narrowing the width of the three sides, spacing the concealment panels farther apart vertically to reduce their visual mass, and replacing the proposed flame on the site with a simple cross. This stealth design is conceptually compatible with the church use and all antennas will be hidden from view by concealment panels. The applicants have also demonstrated conformance to Policy K through a balloon fly and

photographic simulations showing that views of the facility are mitigated by the structure's design, existing and proposed vegetation, the overall surrounding area, and distance from residential properties. Even with all of these changes and landscaping, the bell tower will be visible from certain points and the existing vegetation, as well as the additional trees, will never be tall enough to completely hide the bell tower. Nevertheless, I agree with Staff's assessment that the Plan does not require telecommunications facilities to be invisible. They should, instead, be designed and located to provide the greatest opportunity to conceal the facilities and mitigate their visual impact. In this case, I believe that the revised bell tower design is appropriate on the Andrew Chapel Church property and significantly reduces the visual impact of the structure. In addition, the issue of visibility from vehicles on Route 7 and some of the surrounding properties that will have a view of a portion of the bell tower has been analyzed well in the Staff Report and the proposed conditions, including the additional landscaping, will help further reduce the visual impact of the proposed bell tower. In concluding that the proposed facility is substantially in accordance with the Comprehensive Plan, I have not ignored the opposition's contention that the applicants have failed to demonstrate any need for this facility and the application should therefore be denied under Objective 42, Policy C. I disagree. I think it is important to note that the applicant in this case, Community Wireless Structures – or CWS – is not a wireless communications carrier. It sites, permits, builds, and then leases space to the carriers, such as Verizon Wireless, Sprint, T-Mobile, and AT&T, on what are essentially privately owned telecommunications towers. In turn, CWS pays rent for its towers to the land owner, in this case Andrew Chapel United Methodist Church. Thus, CWS is dependent on pursuing sites that the carriers, its potential lessees, deem are necessary for them to provide adequate wireless coverage in a target area, as well as to meet their current and projected need for additional capacity and usage in the same area. In this case, if the application is approved and the tower built, Verizon Wireless has provided CWS with a letter of intent to install its antennas at a height of 115 feet. T-Mobile has provided CWS with a letter of interest to install its antennas at a height of 105 feet. And Sprint has provided CWS with a letter of interest to install its antennas at a height of 95 feet. Therefore, I believe it is fair to conclude that three of the major wireless service carriers see a need to provide better coverage and increase the capacity in the area that would be served by this proposed telecommunications facility. The applicant has submitted coverage maps based on propagation models regularly developed and used by the carriers to determine where additional or improved service is needed that indicate that the proposed tower will help meet that need. In this – in his October 7, 2014 letter and discussion at the October 30th public hearing, Verizon Wireless' independent engineer explained the basis for the approach used by the carriers for determining need, as well as why the industry approach is appropriate for such a determination, particularly as compared with other data submitted for the record. In addition, the Planning Commission has received a number of communications from other residents of the area and church members indicating that at times and in certain areas around the church and Shouse Village, the current wireless service is inadequate. Based on this data and information, I think it is reasonable to assume there is a need for additional and improved service in the target area and that the proposed church bell tower would help meet that need. Finally, the application is required to, and does satisfy, the 17 applicable Special Exception standards. These include being in harmony with the Comprehensive Plan and purpose and intent of the zoning district – and not adversely affecting the use or development of adjacent properties, in accordance with the zoning district and Comprehensive Plan. With the design of the bell tower, the location near Route 7 – which maximizes the distance from surrounding properties – and the existing and proposed landscaping, and as fully outlined in the staff report, I believe the standards are met. Therefore,

Mr. Chairman, my first motion – I MOVE THAT THE PLANNING COMMISSION FIND THAT THE FACILITY PROPOSED UNDER 2232-D13-9 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15-2.2232 OF THE *CODE OF VIRGINIA*, AND THEREFORE IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion to approve 2232-D13-9, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Ulfelder.

Commissioner Ulfelder: Do we need to ask the representative of the applicant to-

Chairman Murphy: On the Special Exception, yes.

Commissioner Ulfelder: -on the – we'll do that after we move on the motion?

Chairman Murphy: I would do it now before we make the motion.

Commissioner Ulfelder: Yes. Is there the-

Chairman Murphy: Mr. Donohue.

Commissioner Ulfelder: Mr. Donohue, yes.

Ed Donohue, Applicants Agent, Donohue & Stearns, PLC: Mr. Chairman – Ed Donohue, on behalf of the applicant – yes sir.

Commissioner Ulfelder: Does the applicant fully accept the proposed development conditions to the Special Exception that are dated, I believe, October 14th?

Mr. Donohue: Yes sir, we do.

Commissioner Ulfelder: Okay, thank you.

Mr. Donohue: Thank you.

Commissioner Ulfelder: Therefore, Mr. Chairman I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2013-DR-019, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 14, 2014, CONTAINED IN APPENDIX 1 TO THE STAFF REPORT AND THE MODIFICATION OF SECTION 13-303 AND 13-304 OF THE ZONING ORDINANCE FOR

TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS TO PERMIT THE LANDSCAPING AND BARRIERS, AS SHOWN ON THE SPECIAL EXCEPTION PLAT.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2013-DR-019, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Point of clarification. I do support the motion. I did not – I was not present that night – the night of the public hearing. But I did look at the TV.

Chairman Murphy: Okay, thank you very much.

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(Each motion carried by a vote of 12-0.)

JLC

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November 3, 2014

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Re: **SE 2013-DR-019/2232-D13-9 – CWS VII, LLC & THE TRUSTEES OF ANDREW UNITED METHODIST CHURCH**
**Dranesville District**

Dear Mr. Donohue:

At its October 30, 2014 meeting, the Planning Commission voted 10-0 (Commissioners Flanagan and Lawrence were absent from the meeting) to **DEFER THE DECISIONS ONLY** on the above-referenced applications to a date certain of November 12, 2014. A copy of the verbatim transcript is attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to final decision by the Board of Supervisors.

This action does not constitute exemption from the various requirements of this county and state. The applicant is responsible for ascertaining if permits are required and obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,

Jill G. Cooper, AICP
Executive Director

Attachments (a/s)

cc: John Foust, Supervisor, Dranesville District
John Ulfelder, Planning Commissioner, Dranesville District
Catherine A. Chianese, Assistant County Executive, County Executive Office
Carmen Bishop, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
Chris Caperton, ZED, DPZ
October 30, 2014 date file

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Planning Commission Meeting
October 30, 2014
Verbatim Excerpt

SE 2013-DR-019/2232-D13-9 – CWS VII, LLC & THE TRUSTEES OF ANDREW UNITED METHODIST CHURCH

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. First, I would like to thank everyone who came this evening who spoke, and those of you didn't but came to support those who did, and hung in there. We have had a long evening because we had several other applications that took time as well. And I think - - I did talk to the group a number of times on various occasions and I did urge them to try to present in a focused way without, sort of, everybody getting up and saying the same thing, and I think you did a terrific job tonight and I want to thank you all. And - but as I said earlier, I'm going to move defer this - the decision only. Therefore, Mr. Chairman, I MOVE TO DEFER THE DECISION ONLY FOR SE 2013-DR-019 AND 2232-D13-9 TO A DATE CERTAIN OF NOVEMBER 12TH, 2014, WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Commissioners Hedetniemi and Litzenberger: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi and Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to defer decision only on SE 2013-DR-019 and 2232-D13-9 to a date certain of November 20th [*sic*] with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: Mr. Chairman, I think he said the 12th.

Chairman Murphy: Did you say the 12th?

Commissioner Ulfelder: The 12th, yes.

Chairman Murphy: I'm sorry, I said the 20th. Strike that.

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(The motion carried by a vote of 10-0. Commissioners Flanagan and Lawrence were absent from the meeting.)

JN